



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

South Tower – Suite 1950
225 Peachtree Street
Atlanta, GA 30303
(404) 331-5300 FAX: (404) 331-5280
www.flra.gov

February 16, 2017

Michael Foreman, President and
Deena Wingard, Vice President
AFGE, Local 517
c/o Veterans Affairs Regional Office
1700 Clairmont Road
Decatur, GA 30033

Thasha A. Boyd
1655 Carrie Farm Lane, NW
Kennesaw, GA 30144

Re: American Federation of Government Employees,
Local 517
and
Thasha A. Boyd, An Individual
Atlanta, Georgia
Case No. AT-CO-17-0275

Dear Mr. Foreman, Ms. Wingard and Ms. Boyd:

Enclosed is a copy of an unfair labor practice charge that was filed in the above case. The Agent assigned to investigate this charge is: **Ms. Ayo A. Stone, (404) 331-5300, ext. 5013, email address: astone@flra.gov**. The Agent will be in contact with you shortly to discuss the charge. Please cooperate fully with the Agent during the investigation of the charge so that we can timely complete the investigation and make a decision.

For the Charging Party:

If you are the party who filed the charge, it is important that you promptly submit your evidence to the Agent so we may begin to investigate your charge. If you have not already done so, please submit the following to the Agent by **February 27, 2017**:

1. A list of your witnesses along with their telephone and email contact information, and a summary of their expected testimony about their personal knowledge of the charge.

2. Copies of all relevant documents, with an index if the submission is lengthy.

Section 2423.4(f) of the FLRA's Regulations requires you to provide this information. If you do not hear from the Agent within a week of submitting the information requested, or should you have any questions, please feel free to contact the Agent. We may dismiss your charge if you fail to cooperate with the Region or fail to timely submit your evidence.

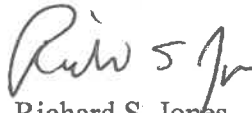
If someone other than you will be representing your party in this case, please provide the Region with the name and contact information (including email address) of your representative.

For the Charged Party:

Please review the allegations in the charge and provide the Region in writing with your position on the allegations, along with any supporting documents. You are expected to cooperate fully in the Region's investigation, and the Agent may ask you to provide additional relevant evidence and testimony concerning the matters under investigation. Should you have any questions, please contact the Agent.

If someone other than you will be representing your party in this case, please provide the Region with the name and contact information (including email address) of your representative.

Sincerely,



Richard S. Jones
Regional Director

Enclosed: Notice of Designation of Representative

cc: J. David Cox, National President
American Federation of Government
Employees
80 F Street, N.W.
Washington, DC 20001



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST A LABOR ORGANIZATION

FOR FLRA USE ONLY

Case No.

20-06-17-0275

Date Filed

2/15/17

1. CHARGED LABOR ORGANIZATION

a. Name of Charged Labor Organization (include address, city, state, & ZIP)

American Federation of Government Employees
517 AFGE VA Local
P.O. Box 49165
Atlanta, GA 30359-1165

b. Charged Labor Organization Representative (include name, title, address)

Michael Foreman, President
Deena Wingard, Vice-President
VA Regional Office
1700 Clairmont Rd
Decatur, GA 30033

tel. 404-929-5799

fax

e-mail

michael.foreman@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

Thasha A. Boyd
1655 Carrie Farm Ln, NW
Kennesaw, GA 30144
Cel. 678-520-8465
E-mail: laanataasha@aol.com

b. Charging Party Representative (include name, title, address)

N/A

tel.

fax

e-mail

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

The 517 AFGE VA Local violated the subsection(s) selected in Part 3(b) of this FLRA Form 23, by: 1-Assisting my employing agency, the Department of Veterans Affairs (VA) in its discrimination and retaliation against me (for my status as a whistleblower and engagement in protected EEO activity); 2-Creating and fostering a hostile work environment against me by the dues paying members (I do not pay dues) who were my coworkers and fellow new-hires, which culminated to an event on December 6, 2016, where I was sandbagged and attacked by Mr. Foreman, VA management, and my coworkers; and, the VA is now using this event as a charge to propose my removal from employment with the VA; 3-Refusing to represent me regarding an investigation of allegations made by Matthew Jahn because they insisted that I was not telling them what they wanted to hear and provide to VA management (breach of confidentiality/setting me up). They also refused to represent me in other matters (i.e. VA management's decision to remove me from my workplace); 4-Using coercion - which included embellishment and flat out deception of the facts surrounding allegations made by Mr. Jahn against me, which is causing/caused me emotional distress; and, interferes(ed) with my ability to respond to the allegations made by Mr. Jahn and the VA's use of Mr. Jahn's allegations to propose my removal from employment with the VA. Specifically, on/about 12/20/2016, Mr. Foreman told me that Mr. Jahn filed several complaint(s) against me and said that Mr. Jahn felt "threatened" by me and my presence in our workplace. On 2/9/2017, the VA provided me with the investigative/evidentiary file of its investigation into Mr. Jahn's allegations and NO WHERE does Mr. Jahn infer and/or state that he felt "threatened" by me and my presence. Also, the other one ("1") complaint filed by Mr. Jahn consisted of of alleged contact with me on 12/13/2016 - where Mr. Jahn stated he had to file such a report/complaint per orders by the VA and his boss (not by his own volition).

b. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe the Labor Organization has violated?

716(b)(1) ☒ (b)(2) ☒ (b)(3) ☒ (b)(4) ☒ (b)(5) ☒ (b)(6) ☐ (b)(7) ☐ (b)(8) ☐ 7116(c)(1) ☐ (c)(2) ☐

c. Have you or anyone else raised this matter in any other procedure?

No ☒

Yes ☐

If yes, where?

☐ Grievance Procedure

☐ Federal Mediation and Conciliation Service

☐ Federal Service Impasses Panel

☐ Equal Employment Opportunity Commission

☐ Merit Systems Protection Board

☐ Office of Special Counsel

☐ Other Administrative or Judicial Proceeding

☐ Negotiability Appeal to FLRA

☐ Other

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☐ In Person

☒ 1st Class Mail

☐ Fax

☐ Commercial Delivery

☐ Certified Mail

☒ e-mail (see reverse)

Priority Mail (9505 5000 1538 4043 00b2 74)

Thasha A. Boyd
Type or Print Your Name

Thasha A. Boyd
Your Signature

February 12, 2017
Date

ULP DATA ENTRY (revised February 2015)

APCE Local 517
A+1, GA

CASE NUMBER: 00-00-17-0275 DATE FILED: 2/15/17
PROFESSIONAL ASSIGNED: (Code P1) AAS DATE: 2-15-17
PROFESSIONAL REASSIGNED: (Code P2) _____ DATE: _____
PROFESSIONAL CO-ASSIGNED: (Code P3) _____ DATE: _____
OPENING LETTER ISSUED: (Code O1) 2/17/17
INITIAL ISSUE CODE: BB2.01
DISPOSITIVE ISSUE CODE: B9.12

DESCRIPTION (AN ENTRY MUST NOW BE MADE IN THIS BLOCK)

- ☐ Executive Order: Labor Relations forum activities or section 7106(b)(1)
- ☐ Raises novel or interesting issue
- ☐ Involves potentially sensitive issue
- ☐ Concerns an issue of nationwide impact that may cross Regional Office geographic or jurisdictional boundaries
- ☐ Injunction requested by charging Party
- ☐ Not Applicable

COMMENTS: (e.g., Related Case Number or any other information region would like to add)

KEY WORD CODES: (INSERT APPLICABLE CODE NUMBER IN FOLLOWING ACTION TABLE)

Example: Withdrawal Solicitation was After RD Determination; record "2" for Withdrawal Solicitation

Withdrawal Solicitation

- 1a) Prior to RD determination w/supervisory approval
- 1b) Prior to RD determination w/o supervisory approval
- 2) After RD determination
- 3) Unsolicited withdrawal

Scope

- 1) Dispositive action without the taking of formal evidence
- 2) Dispositive action prior to completion of full investigation
- 3) Dispositive action after full investigation

Cooperation (by charged party)

- 1) Full cooperation with affidavits and witnesses
- 2) Agent talked to witnesses - no affidavits
- 3) Submission of documentary evidence
- 4) Submission of statement of position
- 5) Agent talked to charged party representative
- 6) Cooperation not required

Remedy

- 1) Backpay - dollar amount _____
- 2) Make whole - dollar amount _____
- 3) Status quo ante (bargaining)
- 4) retroactive bargaining
- 5) rescission of action (non-bargaining)
- 6) other traditional remedy - FLRA posting, cease & desist order, prospective order (cases involving formal discussion, Weingarten, dues withholding, (a)(1) statement, prospective bargaining)
- 7) novel remedy (i.e., supervisory training)
- 8) other

Method

- 1) On-site affidavits and evidence
- 2) Telephone affidavits
- 3) Sworn questionnaire
- 4) Confirming letters
- 5) Unsworn questionnaire
- 6) On-site conversation
- 7) Telephone/E-mail conversation

Prosecutorial discretion

- 1) Yes
- 2) No

| ACTION | DATE | ENTER KEY WORD CODE FROM LIST, CHECK, OR ENTER INFORMATION AS APPROPRIATE |
|---|------|---|
| ADR - No Resolution (AD1) | | n/a |
| ADR - Partial Resolution (AD2) | | n/a |
| ADR - Full Resolution (AD3) | | n/a |
| Initial inquiry for injunctive relief (Code O2) | | n/a |
| Expedited investigation for injunctive relief (Code O3) | | n/a |
| Blocked (Code B1) | | Blocked by Case No. _____ |
| Unblocked (Code B2) | | n/a |
| Transferred to | | <input type="checkbox"/> AT (Code T1) <input type="checkbox"/> BN (Code T2) <input type="checkbox"/> CH (Code T3) <input type="checkbox"/> DA (Code T4) <input type="checkbox"/> DE (Code T5) <input type="checkbox"/> SF (Code T6) <input type="checkbox"/> WA (Code T7) |
| Transfer received by transferee Region (Code T8) | | n/a |
| Withdrawal approved (Code W1) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Prosecutorial discretion |
| Withdrawal rescinded (Code W2) | | n/a |
| Withdrawal approved - secondary disposition (withdrawal after prior action) (Code W3) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Prosecutorial discretion |
| Intervention started (Code I1) | | n/a |
| Intervention ended (Code I2) | | n/a |
| Advice requested (Code V1) | | Injunction recommended by Region <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Advice decided (Code V2) | | Advice Memo No. _____ <input type="checkbox"/> Dismiss charge <input type="checkbox"/> Complaint <input type="checkbox"/> Further investigation <input type="checkbox"/> Telephone advice <input type="checkbox"/> GC injunction recommended to FLRA |

| | | |
|---|--|--|
| Full dismissal (Code D1) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Prosecutorial discretion |
| Partial dismissal (Code D2) | | <input type="checkbox"/> Withdrawal (Solicitation) |
| Full dismissal -- secondary disposition (dismissal after prior action (Code D4) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Prosecutorial discretion |
| Partial dismissal - secondary disposition (Code D5) | | <input type="checkbox"/> Withdrawal (Solicitation) |
| ADR post-dispositive action - No Resolution (AD4) | | n/a |
| ADR - post-dispositive action - Partial Resolution (AD5) | | n/a |
| ADR - post-dispositive action - Full Resolution (AD6) | | n/a |
| File sent by Dismissing Region to OGC for Appeals review (Code A21) | | n/a |
| Appeal file received by Dismissing Region from OGC (Code A27) | | n/a |
| Dismissal rescinded (Code D3) | | n/a |
| Private settlement-- PSIWOC before RD merit determination (Code S1) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Remedy |
| <input type="checkbox"/> Precomplaint unilateral settlement (Code S2) <input type="checkbox"/> Precomplaint bilateral settlement (Code S3) <input type="checkbox"/> Precomplaint private settlement (Code S4) (PSIWOC after RD merit determination) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Remedy |
| <input type="checkbox"/> Postcomplaint private settlement (PSIWOC post complaint) (Code S5) <input type="checkbox"/> Postcomplaint unilateral settlement (Code S6) <input type="checkbox"/> Postcomplaint bilateral settlement (Code S7) <input type="checkbox"/> Posthearing settlement (Code S8) | | <input type="checkbox"/> Remedy |
| Formal settlement (Code S9) | | <input type="checkbox"/> Remedy |
| <input type="checkbox"/> Precomplaint unilateral settlement - secondary action (Code S10) <input type="checkbox"/> Precomplaint bilateral settlement - secondary action (Code S11) <input type="checkbox"/> Precomplaint private settlement - secondary action (Code S12) (PSIWOC after RD merit determination) <input type="checkbox"/> Private settlement-- PSIWOC before RD merit determination (Code S13) | | <input type="checkbox"/> Withdrawal (Solicitation) <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Remedy |
| Stipulation filed with Authority (Code ST1) | | n/a |
| Stipulation filed with ALJ (ST2) | | n/a |

| | | |
|---|--|--|
| Stipulation record found insufficient by ALJ (ST3) | | n/a |
| ULP complaint - case in abeyance (Code X1) | | n/a |
| ULP complaint or appeal - case taken out of abeyance (Code X-3) | | n/a |
| RD Merit Determination Reached (M1) | | <input type="checkbox"/> Complaint <input type="checkbox"/> Dismiss <input type="checkbox"/> Partial Complaint |
| Complaint issued (Code C1)* (attach a scan copy of the complaint) ULP Hearing scheduled (Code JO) Settlement Judge Request (SJR)* (attach a scan copy of the request) | | <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Hearing date <input type="checkbox"/> No date *Refer to the instructions on how to attach a scanned document into QB |
| Complaint (Amended) issued (Code C5)* (attach a scan copy of the Amended complaint) | | *Refer to the instructions on how to attach a scanned document into QB |
| Complaint issued - secondary disposition (complaint issued after prior action) (Code C3)* (attach a scan copy of the complaint) ULP Hearing scheduled (Code JO) Settlement Judge Request (SJR)* (attach a scan copy of the request) | | <input type="checkbox"/> Cooperation <input type="checkbox"/> Method <input type="checkbox"/> Scope <input type="checkbox"/> Hearing date <input type="checkbox"/> No date *Refer to the instructions on how to attach a scanned document into QB |
| Request for Summary Judgment filed by OGC with ALJ (Code SJ1) | | n/a |
| Request for Summary Judgment granted (Code SJ2) | | <input type="checkbox"/> Remedy <input type="checkbox"/> OALJ Decision # |
| Motion for postponement of hearing (Code J1) | | <input type="checkbox"/> GC <input type="checkbox"/> Charging Party <input type="checkbox"/> Respondent |
| Ruling on motion for postponement of hearing (Code J2) | | <input type="checkbox"/> New hearing date <input type="checkbox"/> Indefinitely postponed |
| Complaint withdrawn (Code C2) | | n/a |
| Hearing held -- (enter information on the Hearing screen using the Hearings Data Entry sheet) | | n/a |
| ALJ decision (enter this information on the Hearing screen using the Hearing Data Entry sheet) | | <input type="checkbox"/> Full violation <input type="checkbox"/> Partial violation <input type="checkbox"/> No violation |
| GC Exceptions filed (Code J6) | | n/a |
| GC Opposition to exceptions filed (Code J7) | | n/a |
| Cross-exceptions filed (Code J8) | | n/a |
| Post-trial brief (Code J10) | | n/a |
| No Exceptions filed (Code J11) | | n/a |

| | | |
|---|--|--|
| FLRA ULP decision (Also complete Hearings Data Entry sheet) | | _____ Citation _____ Full violation (Code A1) _____ Remedy _____ Partial violation (Code A2) _____ Remedy _____ No violation (Code A3) _____ Remanded to ALJ (Code A4) |
| Federal court appeal filed (Code CT1) | | _____ Name of court |
| Federal court decision issued (Code CT2) | | _____ Affirm _____ Reverse _____ Remand _____ Modify _____ Appeal withdrawn _____ Enforce |
| Compliance initiated (Code C61) | | n/a |
| Noncompliance alleged (Code CM1) | | n/a |
| Noncompliance action -- (Code CM2) referred to OGC for enforcement | | n/a |
| Compliance completed (Code CM3) | | n/a |
| Compliance not required -- Court decision no violation (Code CM4) | | n/a |



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
225 PEACHTREE STREET N.E., SUITE 1950, ATLANTA, GA 30303
(404) 331-5300 FAX: (404) 331-5280

May 4, 2017

Thasha Boyd
1655 Carrier Farm Lane, NW
Kennesaw, Ga 30144

Re: American Federation of Government Employees,
Local 517
and
Thasha Boyd, An Individual
Atlanta, Georgia
Case No. AT-CO-17-0275

Dear Ms. Boyd:

We have carefully investigated and considered your charge that the American Federation of Government Employees, Local 517 (the Union) has violated the Federal Service Labor-Management Relations Statute (Statute). Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You allege that the Union violated the Statute by failing to represent you on several occasions.

You began as a Veterans Service Representative (VSR) at the VA Regional Office in Decatur, Georgia in September of 2016. You are not a dues-paying member of the Union. You have contacted the Union on different occasions by email and telephone about various issues. In particular, you sought assistance from the Union concerning a "Stay Away Notification" that the VA Regional Office issued to you concerning being moved from your work building. When the Union asked you to provide them with details concerning the issues that you sought representation for, you refused to provide them with any information.

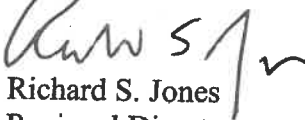
In this case, the Union attempted to provide you with representation, but you essentially refused to provide the Union with information for them to assist you. Thus, there is insufficient evidence that the Union's conduct was arbitrary, discriminatory, or in bad faith. *See NATCA*, 66 FLRA 467, 472 (2012) (setting forth standard for violation of duty of fair representation). The Union has not engaged in conduct that would show it is refusing to represent you due to personal animosity or some other impermissible reason, and the circumstances do not otherwise indicate that the Union's conduct was unlawful. *Cf. Int'l Assoc. of Machinists and Aerospace Workers, Local 39, AFL-CIO*, 24 FLRA 352, 353, 362 (1986). Moreover, there is no indication that the Union discriminated against you for not being a dues-paying member or denied union representation. *See Fort Bragg Ass'n of Educators, Nat'l Educ. Ass'n, Fort Bragg, N.C.*, 28 FLRA 908, 918 (1987) (Fort Bragg).

For these reasons, I am not issuing a complaint in this case. You may appeal my decision to the General Counsel of the Federal Labor Relations Authority. To be timely, you must file the appeal by **June 5, 2017**.

You may file the appeal by e-mail, by facsimile, by mail, by delivery service, or by hand-delivery. To file an appeal by e-mail, send the appeal to: ogc.appeals@flra.gov. To file an appeal by facsimile, fax the appeal to: 202-482-6608. To file an appeal by mail, hand or delivery service, send the appeal to the Federal Labor Relations Authority, Office of the General Counsel (Attn: Appeals), 1400 K St., N.W., Second Floor, Washington, DC 20424-0001. You must send a copy of the appeal to the Atlanta Regional Office.

If you need more time to file your appeal, you may request an extension of time from the General Counsel's office. To be timely, the General Counsel's Office must receive your request not later than **May 31, 2017**. You must also send a copy of the request to the Atlanta Regional Office. To learn more about the standards for an appeal, you can visit our web page at: www.flra.gov/ogc_appeals.

Sincerely,



Richard S. Jones
Regional Director

Enclosure
cc:

Michael Foreman, President
AFGE Local 517
1700 Clairmont Road
Decatur, Ga 30033

Peter A. Sutton, Acting General Counsel
Federal Labor Relations Authority
1400 K Street NW, 2nd Floor
Washington, DC 20424-0001

From: BOYD, THASHA <THASHA.BOYD@va.gov>

To: FOREMAN, MICHAEL <MICHAEL.FOREMAN@va.gov>

Subject: RE: Filing of Grievance - Change in Working Conditions

Date: Thu, Dec 29, 2016 10:03 am

Mr. Foreman,

On second thought, I will proceed with filing this with the OSC. I was a fool to think that I could simply get the union to do its job here and again, your tone and response to my e-mail (again), confirms that the union is not to be trusted.

From: BOYD, THASHA

Sent: Thursday, December 29, 2016 9:45 AM

To: FOREMAN, MICHAEL

Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD; WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN

Subject: RE: Filing of Grievance - Change in Working Conditions

Mr. Foreman,

As I stated with in my e-mail this morning. I am filing a grievance of the recent change in my working conditions. That is the only matter that I am requesting the union's representation with on this matter.

I'm cc'ing management because regardless if the union represents me in this matter – I still am requesting that ALL OF the VA retaliation and harassment immediately cease and desist; and, am informing the VA that if this matter is not resolved by COB December 29, 2016 (Friday), I'll proceed with updating the Senator(s)/Representative(s) and amending my complaint with the Office of Special Counsel (OSC).

And, I'm going to remind you or anyone that you cannot tell me what to say. In other words, you cannot limit my response to a "yes" or "no".

Sincerely,

Thasha A. Boyd

From: FOREMAN, MICHAEL

Sent: Thursday, December 29, 2016 9:14 AM

To: BOYD, THASHA

Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD; WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN

Subject: RE: Filing of Grievance - Change in Working Conditions

Thasha,

Are you now requesting Union Representation for your ongoing issue with the agency. If so reply back to all only with a yes or no!!!! also remember that any conversation conducted with you and the Union are considered official union business and should not be shared with any member of management to included thru emails.

And if you need to send any additional email to the union, please remove all members of management from the

email.

Thanks,

Michael L. Foreman
Decision Review Officer
President of AFGE Union Local 517
Department of Veterans Affairs
1700 Clairmont Road
Decatur, Georgia 30031
404-929-5799

From: BOYD, THASHA

Sent: Thursday, December 29, 2016 8:29 AM

To: FOREMAN, MICHAEL

Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD

Subject: RE: Filing of Grievance - Change in Working Conditions

Good morning,

I need to add that I consider this change in working conditions also as retaliation because of me being a whistleblower; and retaliation against a whistleblower is illegal.

The memorandum/order Mrs. Dibello issued to me yesterday is not accurate. It states that on/about 12/22/2016, I was ordered to telework from home, when in fact on 12/21/2016, on/about 2PM EST, is when Mrs. Howard issued the memorandum/order from Mrs. Dibello (signed for by Mrs. Howard) where I was ordered to not return to the VA premises.

Also, while both memorandum(s)/orders(s) issued to me on 12/28/2016 and 12/21/2016 allege that my presence in the VA building is interfering with the VA's ability conduct an alleged investigation from allegations made by Matthew Jahn, that is also inaccurate. It has been going on three ("3") weeks since the VA alleges it is conducting this investigation; however, no investigator has been assigned, no Charge Letter has been created, and every time I ask who is the "Convening Authority" – no name has been given to me and I'm being given blank stares. Therefore, no reasonable person would conclude that my presence in the VA was hindering the VA's ability to carry out this investigation it alleges it is doing when three ("3") weeks have gone by and no investigation has even commenced.

Please note, that on December 27, 2016, per Mr. Foreman, Mr. Jahn stated he feels 'unsafe' in the VA building because of my presence. Again, if this indeed was a "fact", the VA would have requested my departure from the building from the day Mr. Jahn lodged his complaint. I do not appreciate deception being used to coerce Mr. Jahn or myself into stating/doing something against me because the VA – with the help of the union – is using this misunderstanding between Mr. Jahn and myself to embark on a "witch hunt" and discipline and/or terminate me as part of the VA and cross-agency retaliation that has and continues to take place against me. Yesterday, Mr. Foreman also told me it was imperative that I meet with him before meeting with Mrs. Dibello (who was conducting the investigation); however, Mrs. Dibello denied being the investigator being assigned to this alleged investigation involving Mr. Jahn. Please note that a union official is not above being charged with making false statements and the AFGE is in the news for violations of such and other violations/crimes.

Fact is, on the morning of 12/21/2016, I informed Dwight Bryant that the VA never intended to keep me here; that I was going to continue with my complaint(s) and litigation against the IRS and Tresha L. Miller; and, that because the VA doesn't care about me and the complaint(s) I have filed at the VA, that I had no choice but to document what is going on and report it to the necessary entities. Accordingly, later in the afternoon of 12/21/2016, is when I was ordered to leave the VA premises.

In sum, I'm being punished and retaliated against for my complaint(s) and status as a whistleblower. First it was the no contact order involving Mr. Jahn, and now I have to suffer a change in my working conditions – that of which not one of the subject(s) of my complaint have been put through.

So, again, this week I had to endure being laughed at and ridiculed by those I accused – while they have not been inconvenienced in any way. Their working conditions remain content and unchanged.

I am requesting that this retaliation cease immediately. Again, I am filing this grievance to address my recent change in working conditions and if the retaliation does not cease and this matter is not resolved before COB Friday, December 29, 2016, I will amend my complaint that I filed to the Office of Special Counsel (OSC) to include this recent act of retaliation; and, will update the Senator(s) and Representative(s) I contacted last week regarding this continued retaliation.

Also, if the union refuses to process my grievance, know that I will consider contacting the FLRA, because I have a right to representation – regardless if I am a dues paying member or not; regardless of my status as a whistleblower; and, that the grievance that the union recently refused to represent me on involved the investigation related to Mr. Jahn – not this change in working conditions. Accordingly, this is a separate and new grievance that I'm filing.

I also request that this matter be escalated to Director Al Bocchicchio and that I be informed of when it has been escalated.

Sincerely,

Thasha A. Boyd

E-mail: Thasha.Boyd@va.gov (work)

laanatassha@aol.com (personal)

Cel. 678-520-8465 (personal)

From: BOYD, THASHA

Sent: Wednesday, December 28, 2016 3:12 PM

To: FOREMAN, MICHAEL

Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE

Subject: Filing of Grievance - Change in Working Conditions

Mr. Foreman,

I am filing a grievance of the change in working conditions that were issued to me today. I rely on public transportation and have an approved government credit card upon which I purchase my bus/train tickets to come/leave work.

If I am to work at the HEC, I cannot arrive at 7:00AM (my current tour of duty is 7:00AM to 3:30PM) due to the lack of public transportation to arrive at that time. Since I began working here at the VA Regional Office, I take an Express Bus to a train, to either the vans that go to the VA medical center or a MARTA bus – which allows me to arrive here on/about 6:45 – 6:50AM.

If I am to work from the HEC, I cannot take any of the vans that go to the VA medical center and of the MARTA's 'VA 19 Clairmont Rd bus', it doesn't leave until 6:50AM. Please note, that I cannot leave my house any earlier than I already do. To arrive here at 6:45 – 6:50AM with the current system I mentioned (Express bus, train, van or MARTA bus), I'm taking the first Express bus out of Cobb County at approximately 5AM and there's no other bus service that leaves my residence in order to make it here before 7:00AM.

Accordingly, again, I'm being told that I'm not allowed into this building pending an investigation (which Mrs. Dibello could not provide me with who the Convening Authority is/was; what policy/regulation/guidance is being that this investigation is being authorized on; and, she also confirmed that no Charge Letter has been created yet); and, I must ask, how long am I to be punished with this change in working conditions when already three ("3") weeks have gone by without the VA conducting this investigation that it alleges it plans to conduct?

Please notify me of the results of the filing of this grievance.

Sincerely,

Thasha A. Boyd

Veterans Service Representative (VSR)

TOD: 7:00AM – 3:30PM, M-F, EST

Tel. (678) 520-8465 (personal/cel); work (none at this time)

E-mail: Thasha.boyd@va.gov

From: BOYD, THASHA <THASHA.BOYD@va.gov>

To: MCINTOSH, BRIAN A. <BRIAN.MCINTOSH@va.gov>; WYNTER, CHANTAL <Chantal.Wynter@va.gov>

Subject: RE: Union meeting request

Date: Wed, Dec 7, 2016 10:24 am

Good morning,

Per this email below, the addressees, which include "me" requested a union meeting. I did not make such a request. If you'd like to include me on correspondence in the future that involved matters of my persona, please do not misrepresent what I said/may have said.

Also, if any grievances and/or complaints have been filed against me – I am requesting a copy of such. If my request is refused, I'll seek it via FOIA or once litigation begins (i.e. via discovery).

Sincerely,

Thasha A. Boyd

From: MCINTOSH, BRIAN A.

Sent: Monday, December 05, 2016 9:05 AM

To: WYNTER, CHANTAL

Cc: DeLaCruz, Alena; DIXON, GLENADA; BROWN, EBONY; CAJIGAS-AYALA, SYLMARIE; COLBERT, DERICK; COLVIN, DIONE; LEE, SHANDRA; MATTHEWS, DENISE; THOMAS-WOMACK, LARISSA; TURNER, DWAYNE L.; WHITE-THOMAS, DEANNA; HOLLEY, WANDA; NICHOLS, LORA; SINGLETON, SHARON; MILLER, TRESHA; BOYD, THASHA; FOREMAN, MICHAEL

Subject: Union meeting request

Good Morning Chantal,

All attached to this e-mail are requesting a meeting with our union representative today if possible. We would like to discuss a very sensitive topic which has affected our training. Please let us know if this is possible today (12/05/2016). If not please let us know the dates and times of availability and we will adjust accordingly.

Thank you in advance for your time.

MITCHELL, KEVIN

From: BOYD, THASHA
Sent: Tuesday, January 03, 2017 7:42 AM
To: MITCHELL, KEVIN
Cc: FOREMAN, MICHAEL; WINGARD, DEENA; HARRIS, STEVEN
Subject: RE: Filing of Grievance - Change in Working Conditions
Signed By: thasha.boyd@va.gov

Mr. Mitchell,

The union withdrew its representation. I have the e-mail from Mr. Foreman stating so.

I have been clear with the union. Since the union decided to withdraw its representation on representing me for the investigation of allegations made by Matthew Jahn – I requested that the union represent me on this matter of having me work at the HEC (a change in working conditions).

The union cannot tell me “It’s all or nothing” (in other words, if I request representation on one matter – I have to be represented on EVERY ongoing issue I have with management). I have a right to specify which issues/grievances I wish that the union represent me on.

Accordingly, I am renewing my request that the union represent me in this matter surrounding the move to the HEC (a change in working conditions). If the union refuses to represent me in this matter, inform me as to why and then I will proceed with filing with the FLRA.

Sincerely,

Thasha A. Boyd

From: MITCHELL, KEVIN
Sent: Thursday, December 29, 2016 11:22 AM
To: BOYD, THASHA
Cc: FOREMAN, MICHAEL; WINGARD, DEENA; HARRIS, STEVEN
Subject: RE: Filing of Grievance - Change in Working Conditions

Ms. Boyd,

On at least three occasions you have clearly withdrawn us as your representative. Therefore, we are simply seeking clarity on your current position regarding our involvement with your matters here at the Atlanta VA Regional Office. Please note that anytime we represent employees they are required to clearly identify the matter for which they are seeking representation and to provide all the facts regarding the matter(s) in question. Surely you understand that without being fully informed on the matters before us from the standpoint of those we represent us would result in us being less than fully prepared to adequately address the actions of management. Representing you or anyone without full knowledge of *all* the facts from our client’s standpoint does not help anyone achieve a successful conclusion to the matters at hand.

AFGE is not here to represent management. AFGE is here to represent employees. Management has made a mess of this entire process but unfortunately you have failed to assist us in representing you in these matters. Essentially, your actions have diminished our ability to combat the actions of management. You have a right to union representation but you do not have a right to disrespect the very people attempting to help you. You also have a right to proceed without

union representation, however, as stated before, AFGE is here to assist you under the terms that we represent all employees.

From: FOREMAN, MICHAEL
Sent: Thursday, December 29, 2016 10:05 AM
To: MITCHELL, KEVIN; WINGARD, DEENA; HARRIS, STEVEN
Subject: FW: Filing of Grievance - Change in Working Conditions

From: BOYD, THASHA
Sent: Thursday, December 29, 2016 10:02 AM
To: FOREMAN, MICHAEL
Subject: RE: Filing of Grievance - Change in Working Conditions

Mr. Foreman,

On second thought, I will proceed with filing this with the OSC. I was a fool to think that I could simply get the union to do its job here and again, your tone and response to my e-mail (again), confirms that the union is not to be trusted.

From: BOYD, THASHA
Sent: Thursday, December 29, 2016 9:45 AM
To: FOREMAN, MICHAEL
Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD; WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN
Subject: RE: Filing of Grievance - Change in Working Conditions

Mr. Foreman,

As I stated with in my e-mail this morning. I am filing a grievance of the recent change in my working conditions. That is the only matter that I am requesting the union's representation with on this matter.

I'm cc'ing management because regardless if the union represents me in this matter – I still am requesting that ALL OF the VA retaliation and harassment immediately cease and desist; and, am informing the VA that if this matter is not resolved by COB December 29, 2016 (Friday), I'll proceed with updating the Senator(s)/Representative(s) and amending my complaint with the Office of Special Counsel (OSC).

And, I'm going to remind you or anyone that you cannot tell me what to say. In other words, you cannot limit my response to a "yes" or "no".

Sincerely,

Thasha A. Boyd

From: FOREMAN, MICHAEL
Sent: Thursday, December 29, 2016 9:14 AM
To: BOYD, THASHA
Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD; WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN
Subject: RE: Filing of Grievance - Change in Working Conditions

Thasha,

Are you now requesting Union Representation for your ongoing issue with the agency. If so reply back to all only with a yes or no!!!! also remember that any conversation conducted with you and the Union are considered official union business and should not be shared with any member of management to included thru emails.

And if you need to send any additional email to the union, please remove all members of management from the email.

Thanks,

Michael L. Foreman
Decision Review Officer
President of AFGE Union Local 517
Department of Veterans Affairs
1700 Clairmont Road
Decatur, Georgia 30031
404-929-5799

From: BOYD, THASHA
Sent: Thursday, December 29, 2016 8:29 AM
To: FOREMAN, MICHAEL
Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE; KEY, SHARON, VBAATLD; HOWARD, LATEISHA, VBAATLD
Subject: RE: Filing of Grievance - Change in Working Conditions

Good morning,

I need to add that I consider this change in working conditions also as retaliation because of me being a whistleblower; and retaliation against a whistleblower is illegal.

The memorandum/order Mrs. Dibello issued to me yesterday is not accurate. It states that on/about 12/22/2016, I was ordered to telework from home, when in fact on 12/21/2016, on/about 2PM EST, is when Mrs. Howard issued the memorandum/order from Mrs. Dibello (signed for by Mrs. Howard) where I was ordered to not return to the VA premises.

Also, while both memorandum(s)/orders(s) issued to me on 12/28/2016 and 12/21/2016 allege that my presence in the VA building is interfering with the VA's ability conduct an alleged investigation from allegations made by Matthew Jahn, that is also inaccurate. It has been going on three ("3") weeks since the VA alleges it is conducting this investigation; however, no investigator has been assigned, no Charge Letter has been created, and every time I ask who is the "Convening Authority" – no name has been given to me and I'm being given blank stares. Therefore, no reasonable person would conclude that my presence in the VA was hindering the VA's ability to carry out this investigation it alleges it is doing when three ("3") weeks have gone by and no investigation has even commenced.

Please note, that on December 27, 2016, per Mr. Foreman, Mr. Jahn stated he feels 'unsafe' in the VA building because of my presence. Again, if this indeed was a "fact", the VA would have requested my departure from the building from the day Mr. Jahn lodged his complaint. I do not appreciate deception being used to coerce Mr. Jahn or myself into stating/doing something against me because the VA – with the help of the union – is using this misunderstanding between Mr. Jahn and myself to embark on a "witch hunt" and discipline and/or terminate me as part of the VA and cross-agency retaliation that has and continues to take place against me. Yesterday, Mr. Foreman also told me it was imperative that I meet with him before meeting with Mrs. Dibello (who was conducting the investigation); however, Mrs. Dibello denied being the investigator being assigned to this alleged investigation involving Mr. Jahn. Please note that a union official is not above being charged with making false statements and the AFGE is in the news for violations of such and other violations/crimes.

Fact is, on the morning of 12/21/2016, I informed Dwight Bryant that the VA never intended to keep me here; that I was going to continue with my complaint(s) and litigation against the IRS and Tresha L. Miller; and, that because the VA doesn't care about me and the complaint(s) I have filed at the VA, that I had no choice but to document what is going on and report it to the necessary entities. Accordingly, later in the afternoon of 12/21/2016, is when I was ordered to leave the VA premises.

In sum, I'm being punished and retaliated against for my complaint(s) and status as a whistleblower. First it was the no contact order involving Mr. Jahn, and now I have to suffer a change in my working conditions – that of which not one of the subject(s) of my complaint have been put through.

So, again, this week I had to endure being laughed at and ridiculed by those I accused – while they have not been inconvenienced in any way. Their working conditions remain content and unchanged.

I am requesting that this retaliation cease immediately. Again, I am filing this grievance to address my recent change in working conditions and if the retaliation does not cease and this matter is not resolved before COB Friday, December 29, 2016, I will amend my complaint that I filed to the Office of Special Counsel (OSC) to include this recent act of retaliation; and, will update the Senator(s) and Representative(s) I contacted last week regarding this continued retaliation.

Also, if the union refuses to process my grievance, know that I will consider contacting the FLRA, because I have a right to representation – regardless if I am a dues paying member or not; regardless of my status as a whistleblower; and, that the grievance that the union recently refused to represent me on involved the investigation related to Mr. Jahn – not this change in working conditions. Accordingly, this is a separate and new grievance that I'm filing.

I also request that this matter be escalated to Director Al Bocchicchio and that I be informed of when it has been escalated.

Sincerely,

Thasha A. Boyd

E-mail: Thasha.Boyd@va.gov (work)

laanataasha@aol.com (personal)

Cel. 678-520-8465 (personal)

From: BOYD, THASHA

Sent: Wednesday, December 28, 2016 3:12 PM

To: FOREMAN, MICHAEL

Cc: WYNTER, CHANTAL; DIBELLO, STEPHANIE

Subject: Filing of Grievance - Change in Working Conditions

Mr. Foreman,

I am filing a grievance of the change in working conditions that were issued to me today. I rely on public transportation and have an approved government credit card upon which I purchase my bus/train tickets to come/leave work.

If I am to work at the HEC, I cannot arrive at 7:00AM (my current tour of duty is 7:00AM to 3:30PM) due to the lack of public transportation to arrive at that time. Since I began working here at the VA Regional Office, I take an Express Bus to a train, to either the vans that go to the VA medical center or a MARTA bus – which allows me to arrive here on/about 6:45 – 6:50AM.

If I am to work from the HEC, I cannot take any of the vans that go to the VA medical center and of the MARTA's 'VA 19 Clairmont Rd bus', it doesn't leave until 6:50AM. Please note, that I cannot leave my house any earlier than I already do.

To arrive here at 6:45 – 6:50AM with the current system I mentioned (Express bus, train, van or MARTA bus), I'm taking the first Express bus out of Cobb County at approximately 5AM and there's no other bus service that leaves my residence in order to make it here before 7:00AM.

Accordingly, again, I'm being told that I'm not allowed into this building pending an investigation (which Mrs. Dibello could not provide me with who the Convening Authority is/was; what policy/regulation/guidance is being that this investigation is being authorized on; and, she also confirmed that no Charge Letter has been created yet); and, I must ask, how long am I to be punished with this change in working conditions when already three ("3") weeks have gone by without the VA conducting this investigation that it alleges it plans to conduct?

Please notify me of the results of the filing of this grievance.

Sincerely,

Thasha A. Boyd

Veterans Service Representative (VSR)

TOD: 7:00AM – 3:30PM, M-F, EST

Tel. (678) 520-8465 (personal/cel); work (none at this time)

E-mail: Thasha.boyd@va.gov

MITCHELL, KEVIN

From: BOYD, THASHA
Sent: Wednesday, December 28, 2016 11:20 AM
To: FOREMAN, MICHAEL
Cc: WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN
Subject: RE: 294 - Boyd - WAH
Signed By: thasha.boyd@va.gov

Mr. Foreman,

I provided you, the VA, and/or the union – as I stated to you all already - with all the information you need.

As I also stated to you, I'm not going to proceed with an entity which has an conflict of interest (playing sides with management and dues paying members vs. non-dues paying members and/or whistleblowers); and, who has also demonstrated lack of trust and confidentiality.

Thasha A. Boyd
Veterans Service Representative (VSR)
TOD: 7:00AM – 3:30PM, M-F, EST
Tel. (678) 520-8465 (personal/cel); work (none at this time)
E-mail: Thasha.boyd@va.gov

From: FOREMAN, MICHAEL
Sent: Wednesday, December 28, 2016 10:02 AM
To: BOYD, THASHA
Cc: WINGARD, DEENA; MITCHELL, KEVIN; HARRIS, STEVEN
Subject: RE: 294 - Boyd - WAH

Based on our meeting at or around 9:50 today December 28, 2016 we ae rescinding our representation surrounding the stay away order dated December 12, 2016 due to your failure to cooperate and your unwillingness to provide us with the details surrounding the order described above. If in the future you reconsider your stance please do not hesitate to contact us for assistance. Thank you.

Michael L. Foreman
Decision Review Officer
President of AFGE Union Local 517
Department of Veterans Affairs
1700 Clairmont Road
Decatur, Georgia 30031
404-929-5799

From: BOYD, THASHA
Sent: Wednesday, December 28, 2016 9:11 AM
To: WYNTER, CHANTAL

Cc: FOREMAN, MICHAEL
Subject: FW: 294 - Boyd - WAH

Mrs. Wynter,

On December 21, 2016, per the memorandum/order given to me by Lateisha Howard (signing for Stephani Dibello), I was ordered not to return to this building effective December 22, 2016. However, since that date have been told conflicting orders on returning to this building regrading/relating to me getting what I need to telework.

Yesterday, per your instruction, I was told to return this morning and the laptop would be ready; however, over two hours have gone by and no one has responded to me.

The 12/21/2016, memorandum/order states that I must coordinate this telework thing with you. Therefore, I'm referring back to you.

Please note that being in this building has me anxious. I have serious concerns that I'm being set up for something (i.e. false accusations that I'm disobeying VA orders) – as with the no contact/stay away order involving Matthew Jahn. Accordingly, I respectfully request that I be provided with whatever is needed for the telework (per the 12/21/2016 memorandum/order) so that I can quickly leave this building.

Sincerely,

Thasha A. Boyd

Veterans Service Representative (VSR)

TOD: 7:00AM – 3:30PM, M-F, EST

Tel. (678) 520-8465 (personal/cel); work (none at this time)

E-mail: Thasha.boyd@va.gov

From: BOYD, THASHA

Sent: Wednesday, December 28, 2016 6:52 AM

To: ALSTON, IKEDAH, T (Region 5 ATG RO); WASHINGTON, EARNEST C

Cc: MOORE, BRIAN (Region 5 ATG RO); MERCER, TERRY (Region 5 ATG RO); WYNTER, CHANTAL; BRYANT, DWIGHT; HOWARD, LATEISHA, VBAATLD; FOREMAN, MICHAEL

Subject: RE: 294 - Boyd - WAH

Ms. Alston,

I am available now. I was informed that the laptop would be ready today. Therefore, if I'm correct, the only thing I'm waiting on to depart this building is the laptop and associated briefing.

Sincerely,

Thasha A. Boyd

Veterans Service Representative (VSR)

TOD: 7:00AM – 3:30PM, M-F, EST

Tel. (678) 520-8465 (personal/cel); work (none at this time)

E-mail: Thasha.boyd@va.gov

From: ALSTON, IKEDAH, T (Region 5 ATG RO)
Sent: Tuesday, December 27, 2016 11:52 AM
To: WASHINGTON, EARNEST C; BOYD, THASHA
Cc: MOORE, BRIAN (Region 5 ATG RO); MERCER, TERRY (Region 5 ATG RO)
Subject: FW: 294 - Boyd - WAH

I see that VPN was requested but not CAG. This will need to be requested in case of network or GFE issues. Is 2 a good time for training?

Thank you & have a great day!

Mrs. Ikedah Alston
IT Specialist, Information Security Administrator
VA Regional Office Station 316
VA OI&T Service Delivery and Engineering
Office: (404) 929-5521

For IT issues, contact the National Service Desk first: 855-NSD-HELP (855-673-4357) Option 3 –
Email: itsc@va.gov – Self Service link: <http://vaww.sdm21127.nsd.va.gov/CAisd/pdmweb7.exe>

From: WASHINGTON, EARNEST C
Sent: Tuesday, December 27, 2016 10:48 AM
To: ALSTON, IKEDAH, T (Region 5 ATG RO)
Subject: FW: 294 - Boyd - WAH

FYI

VPN access has been requested also.

Thank you.

Earnest C. Washington
Assistant Veterans Service Center Manager
Department of Veterans Affairs
Veterans Benefits Administration
Atlanta Regional Office
1700 Clairmont Rd.
Atlanta, GA 30033

(404) 929-5153

From: VAVBAATL/RO/ISO
Sent: Tuesday, December 27, 2016 10:47 AM
To: WASHINGTON, EARNEST C; ALEXANDER, BYRON
Cc: VAVBAATL/RO/ISO
Subject: RE: 294 - Boyd - WAH

Signed and sent to IRM for implementation.

VPN account was also approved.

Kindest Regards,

Anes Aref

Information Security Officer

Atlanta VA Regional Office (316)

404-929-5837 (office)

How am I doing? Let my Supervisor know!

Got a minute? Rate my service.

Tour of Duty:

Week 1: Monday - Thursday 0800-1730, Friday 0800-1630

Week 2: Monday - Thursday 0800-1730, Friday Off

From: WASHINGTON, EARNEST C

Sent: Tuesday, December 27, 2016 9:26 AM

To: ALEXANDER, BYRON

Cc: VAVBAATL/RO/ISO; Aref, Anes (316 ATL ISO)

Subject: RE: 294 - Boyd - WAH

Done.

ISO, can you sign asap

Thank you.

Earnest C. Washington

Assistant Veterans Service Center Manager

Department of Veterans Affairs

Veterans Benefits Administration

Atlanta Regional Office

1700 Clairmont Rd.

Atlanta, GA 30033

(404) 929-5153

From: ALEXANDER, BYRON

Sent: Tuesday, December 27, 2016 9:22 AM

To: WASHINGTON, EARNEST C

Subject: 294 - Boyd - WAH

Ready:

H:\ad\1A VSCM\Access Request Folder\Earnest Washington\IRM-294 - Boyd, Thasha - WAH.pdf

MITCHELL, KEVIN

From: MITCHELL, KEVIN
Sent: Thursday, January 12, 2017 10:11 AM
To: BOYD, THASHA
Subject: Union

Ms. Boyd,

Can you give me a call in the union office today 404-929-5799

**Department of
Veterans Affairs**

Memorandum

Date: February 09, 2016

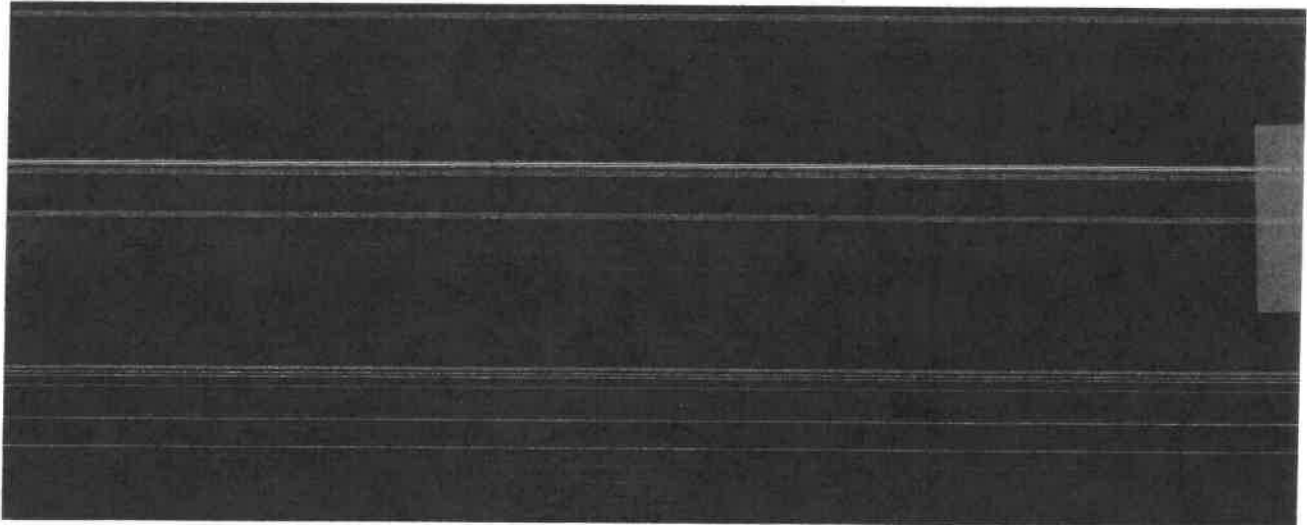
From: Patrick Zondervan, Assistant Director

Subj: Proposed Removal – Inappropriate Conduct

To: Thasha Boyd, Veterans Service Representative

1. It is proposed to remove you from your position as a Veterans Service Representative, GS-7, and from your employment with the Department of Veterans Affairs based on the following reasons:

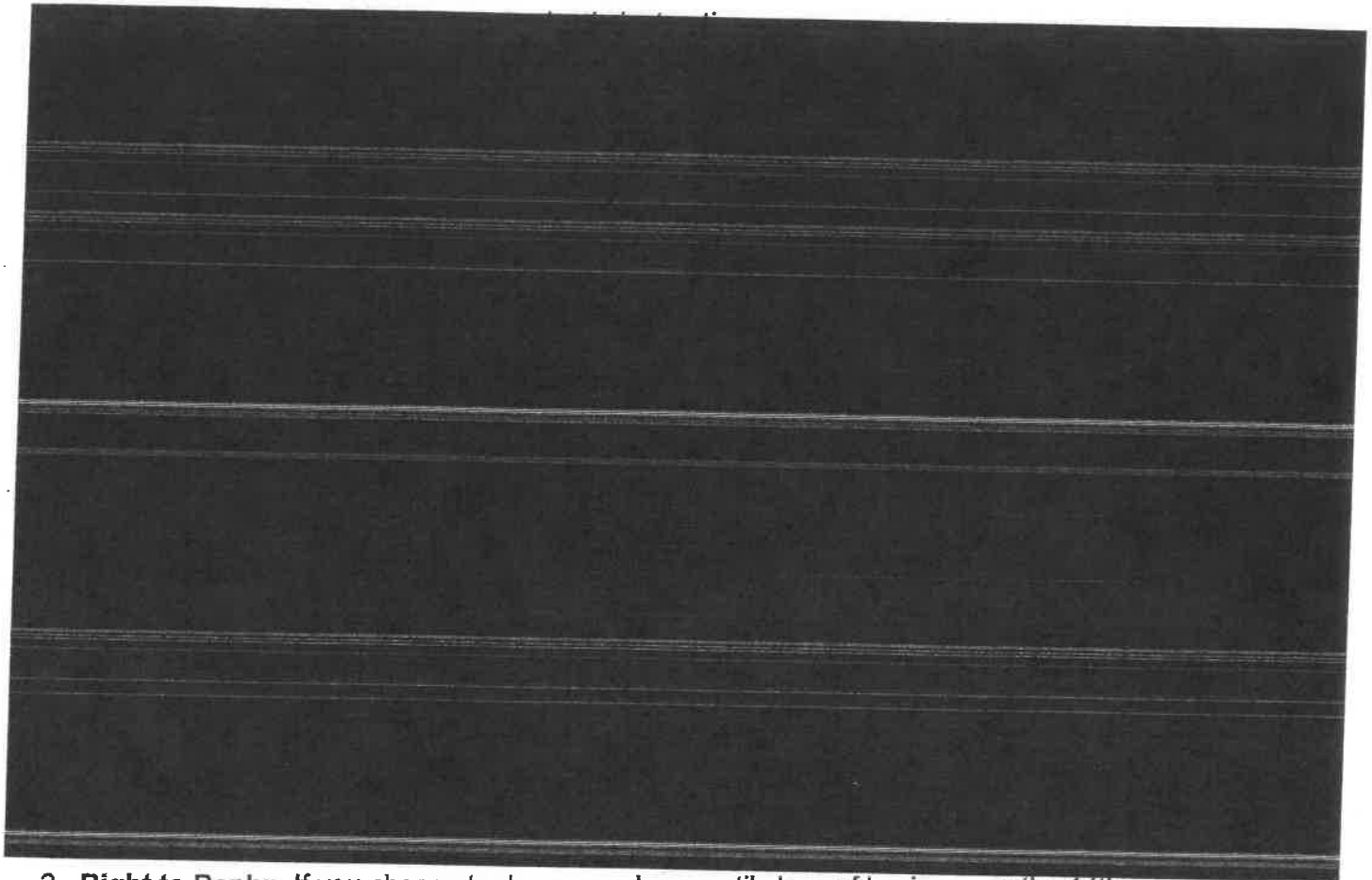
Charge 1: Inappropriate Conduct



Specification B: On or about December 6, 2016, you engaged in disrespectful, insulting and insolent behavior while your supervisor held a meeting to address the entire training class regarding the rules and behavior in the workplace. Specifically, you interrupted your supervisor as she was speaking to the class and raised your voice as you called your co-workers liars and children or words to that affect. You were informed by your supervisor and the AFGE union president that you were being inappropriate; yet, you continued to disrupt the meeting.

Specification C: On or about December 1, 2016, at approximately 10:00 AM, your supervisor witnessed your disruptive behavior in the classroom during an incident that occurred with you and your co-worker. During the incident you screamed in a loud voice at the co-worker, "If you need me to move, I can move" or words to that affect. Your outburst was such that it was

disruptive to the entire classroom. Your supervisor removed you from the class in an effort to calm you down. This type of behavior is not appropriate for the workplace.



2. **Right to Reply:** If you choose to do so, you have until close of business on the 14th calendar day after your receipt of this notice to reply to this notice orally, or in writing, or both orally and in writing, and to submit affidavits and other documentary evidence in support of your reply, showing why the charges are unfounded and any other reasons why your removal should not be effected. Your written reply should be submitted to Mr. A. Bocchicchio, Director. The Director will receive your oral reply or will designate an official or officials to receive it. You may make arrangements for your oral reply by calling me at (404) 929-5818 or the Director's Assistant at (404) 929-5818.

3. **Right to Review Material:** The evidence file on which this proposed action is based is enclosed for your review.

4. **Aggravating Factors Considered In Determining Penalty:** The attached Douglas factor considerations will be taken into consideration when determining the appropriate penalty. You may reply orally or in writing, or both orally and in writing, with respect to these previous infractions and you may submit supporting evidence, including affidavits. In this regard, you

may make a statement expressing your views as to the consideration to be given such factors in determining proper action.

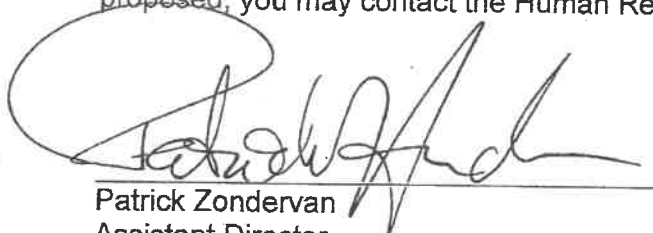
5. Right to Representation: You have the right to be represented by an attorney or other representative of your choice at all stages of this matter, up to and including the issuance of the decision. Please advise me in writing of any representative designated.

6. Decision: The final decision to effect the action proposed has not been made. The Director, who will make the final decision, will give full and impartial consideration to your reply, if submitted, the evidence upon which this notice of proposed action is based, and my assessment of the aggravating factors that I considered in recommending the proposed penalty.

7. Effective Date: If it is the decision of the Director that you be removed, your removal will be effective not less than 30 calendar days from the date of your receipt of this notice.

8. Duty Status: You will be placed in an administrative leave status with no loss of pay during this period.

9. If you have any questions or do not understand the above reasons why your removal is proposed, you may contact the Human Resources Liaison at (404) 929-5845.


Patrick Zondervan
Assistant Director

2/9/2017
Date

You are requested to sign and date the acknowledgement copy of this memorandum as evidence that you have received it. Your signature does not mean you agree or disagree with the contents of this memorandum. However, your failure to sign the acknowledgement copy will not void the contents of this memorandum.


Thasha Boyd

Feb 2, 2017
Date

Enclosures

Evidence file
Douglas Factors

November 28, 2016

(Hand carried delivery)

Department of Veterans Affairs
Office of General Counsel
1700 Clairmont Rd
Decatur, GA 30033

To Whom It May Concern,

1. I, Thasha A. Boyd, recently began working for the Department of Veterans Affairs (hereinafter, "VA"), on/about September 18, 2016.
2. At this time I'm under some sort of investigation for allegations of an alleged "incident" that occurred on November 16, 2016 that involves Tresha Miller. To the present date, I have not been told who made these allegations and/or what the allegation(s) is/are.
 - 2.1 - On November 21, 2016, my current supervisor, Chantal Wynter, requested to meet with me and offered union presence. The union president was present at our meeting and Mrs. Wynter informed both of us that on the morning of November 18, 2016, (on/about 9AM) is when it was brought to her attention the allegations of an alleged incident on November 16, 2016.
 - 2.2 - At the November 21, 2016, meeting, I informed Mrs. Wynter that on November 16, 2016, I had filed an informal EEO complaint with my previous employing agency, the Department of the Treasury, Internal Revenue Service (hereinafter "IRS") against another new hire who alleged she was from the IRS, Tresha Miller; and, that I believed these allegation(s) of an "incident" on November 16, 2016, are in retaliation against me.
3. Accordingly, I have serious concerns that I am: 1) Being treated differently than similar situated employee(s); and, 2) The environment that I am in, has evolved into a hostile and offensive working environment - as detailed by the events listed below.
4. I had not reported the incident(s) detailed below because I, being a new hire and on probation, was attempting to not put myself in a position where the VA would want to terminate me in retaliation for any complaint(s); and, was hoping that upon completion of the Challenge training (scheduled on/about January - March 2017), that things would improve upon me being assigned to a team and begin doing the job I was hired to do.
5. The incident(s) are as follows:
 - 5.1 - On/about the first few weeks of hiring, I and the other new hires were working in the Public Contact area. I was told by Mr. Richard Barnes that I was *'too nice and that the veterans were going to take advantage of that'*. However, the level of customer service that I provided was so well, that on various occasions and specifically on October 6, 2016, an older lady - upon extensively thanking me for assisting her - asked me for my name, wrote it on the survey, and deposited the survey into the survey box. The next day, when I was walking into work, I saw the manager of Public Contact (Kim), and Alma Horace talking and laughing as I walked by. Later that morning, Alma Horace came to the Training Room D, hugged Derek Colbert, Dione Colvin, and Ebony Brown, and ignored me. She kept on talking how she missed *'them'* so much.

Eventually, although when we were told that Public Contact was grateful for us helping them out and almost every time I pass by there, a long line of veterans and people stand there awaiting assistance exists, we were removed from working down there - despite us being able and available to work there. In sum, I received recognition from a person of my outstanding performance/conduct, but it was concealed and prevented from ever happening again.

5.2 - Assistant coach to Chantal Wynter, Mrs. Loyal Ennley, said that to 'celebrate us beginning training on the Monday that followed, that on September 30, 2016, we were going to have lunch together and order out'. To this date, it is unknown what training she was referring to - to the extent that one employee asked if the additional new hires were also going to be able to celebrate and said "training" didn't ever take place. The decision was made to place orders with Community BBQ. Mrs. Ennley also said she was going to authorize us more time than the allowed thirty ("30") minutes for lunch - because we were ordering out.

However, despite all of us writing on a list what we wanted to order, and on the morning of the purchase, Derek Colbert orally confirmed the order and pricing with each one of us before Mrs. Ennley placed the order - and out of all the orders, my order was the only one that was made in error. I requested a chicken order and a pork order was made for me.

When I raised the matter of my order being wrong and that I couldn't eat the pork, I, to this date, have not received an apology from anyone; Mr. Colbert stated that they (he and the other people who went to pick up the order with him) did not have enough time to check the orders when they picked it up (*this contradicts Mrs. Ennley's statement that we were given an extended lunch time to allow time to purchase/eat the food*); I was badgered as to why I did not want to eat pork; and, ultimately, Ebony Brown took me to Community BBQ to either change my order or get a refund.

5.3 - Since that event, whether or not I participate in my coworkers ordering food; what I do/do not eat; and/or celebrating an event has been scrutinized. Glenada Dixon had the audacity to come and interrupt me working at the Public Contact area to confront me and demand answers from me as to why I was not present at the purchase of food the coworkers did for her impending marriage. When I asked her why, she made a funny face and exclaimed that 'she missed me'. Mrs. Dixon and I got hired at the same time and I'm not sure how a coworker - whom I've met barely two ("2") weeks ago; whom I have not even seen a picture of her husband to be and/or know either of them intimately; whom I haven't even had a fifteen minute conversation with in the two ("2") weeks from when we got hired - would say that she 'missed me'. I can only conclude that either she must be mentally ill/unstable and/or had nefarious reason for attacking me because I was not present during the celebration of her impending marriage and/or spent money for food towards it.

I tried to explain to Mrs. Dixon how any reasonable person would not opt to participate in such events after I was unapologetically treated with disdain and contempt from my coworkers regarding the Community BBQ order; and, Mrs. Dixon had the audacity to say 'Well, I'm sorry that YOU feel that way....' (essentially dismissing how I was treated) - upon which I politely told her that I am ending this conversation and asked that it not be raised again.

Please note that the day before the event for Mrs. Dixon, it was decided at the last minute at on/about 2PM (we depart work on/about 3:30PM) by Derrick Colbert, Alena De La Cruz, and some other co-workers. Ms. De La Cruz came to Public Contact to discuss the matter

with Juanita Catchings, who was quick to state that there was contradictions between what Mr. Colbert and Ms. De La Cruz mentioned would take place. However, Ms. De La Cruz waited until the next day where Mrs. Ennely made me stand at the Training Room D's door, to confront me in front of Mrs. Ennely, and demand I give her the money for the event for Mrs. Dixon. In other words, I didn't agree to participate in any event for Mrs. Dixon and/or even know that plans were made, yet, was being harassed and pressured by Mrs. Ennely, Mr. Colbert, Ms. De La Cruz, and Mrs. Dixon - to participate in said event.

5.4 - Accordingly, every time they want to order out and/or celebrate something, no respect and/or consideration is given to me. They have made these events mandatory and scrutinize why I do not participate and/or buy food - despite how they treated me regarding the Community BBQ order. Again, on November 16, 2016, Glenada Dixon sent an arbitrary e-mail demanding money to have food catered to celebrate "Thanksgiving" because "The votes have been tallied". Mind you, I did not vote to purchase any food and/or celebrate "Thanksgiving", but that didn't matter.

Last time I looked, there's nowhere that an employee can be obligated to purchase food and/or participate in events that go against his/her cultural and/or religious beliefs; an employee has a right to participate by brown bagging his/her food - instead of purchase food; and, no employee should be questioned as to why he/she will not participate and/or opt to brown bag his/her food. Lastly, no reasonable person would not participate in these events with their coworkers if upon the first attempt to do so, not only was I the only person who's order was made wrong - I was unapologetically badgered as to why I wouldn't eat pork and what/why I do/do not celebrate; and, I was unapologetically harassed for refusing to participate after I had to suffer such harassment from my coworkers when I tried to participate.

5.5 - I have been subject to unwarranted invasions of my privacy by coworkers who are also violating other conditions of employment at the VA; and, the VA will not investigate, discipline, and/or terminate these employees.

5.5.1 - On November 15, 2016, Dwyane L. Turner, who regularly takes cellular phone calls through out the day (beyond our two - fifteen ("15") minute breaks and thirty ("30") minutes for lunch), opted to take a video call from whom appeared to be his wife and flash the cellular phone on me so that his wife could see me (since we were assigned to Training Room D, my seat had been behind Mr. Turner); worst, he was taking this video chat and flashing his cellular phone not only where his wife could see me, but she (or anyone on that video chat) could see the VDC Project Excel Spreadsheet on Mr. Turner's computer screens - where veterans' names and social security numbers were in plain view to that unauthorized person on the cellular video call. Mr. Turner then got up and left the training room to continue the call, and like he always does, left his computer screens and login unlocked (another violation of safeguarding privacy information).

The following work day, I decided to move and sit at another terminal, away from Mr. Turner, because I was scared to confront him and/or report this and be the one to be retaliated against; and, again, as a probationary employee, feared what the VA would do to me.

5.5.1.1 - I have reasonable belief to fear retaliation. When Mr. Turner was working at the Public Contact desk and I just got hired and didn't know he was a fellow new hire; I went to Public Contact twice during my off duty time - to get assistance in filling out the

DD Form 294 that the Department of the Airforce sent to me, and I was assigned to Mr. Turner. Without even listening to why I came to Public Contact, he accessed my records and obtained information about my VA claims, disabilities, etc (which was not the reason(s) I went to Public Contact). It wasn't until we came out of orientation and was assigned to the training room on the third floor is when I found out Mr. Turner was a fellow new hire and that he should not have had accessed my and/or other VA employee's records. So, now I'm scared that a person, like Mr. Turner, who appears to have no regard for safeguarding veterans' information, would violate my privacy too - especially in retaliation against me if I reported him for showing/recording me on a video chat to his wife.

5.5.1.2 - My fears of retaliation were further confirmed on November 21, 2016, upon Chantal Wynter and/or the VA's refusal to address another violation made by Mr. Turner.

Mrs. Wynter came to Training Room D to give headphones to Tresha Miller and another employee, upon which Mrs. Wynter saw that one of the Wartech new hires (who started the week before and didn't have access to VA systems yet) was logged into the VA computers/equipment/system under someone else's login. At no time has any investigation and/or discipline to offenders has been conducted - despite it being a violation of VA policy to allow another person to use another's access/login, and all of us new hires have been briefed by the ISO and signed the ISO paperwork regarding said briefing. If an investigation would have been conducted, it probably would have been discovered that it was Mr. Turner who has been the one allowing other employees to use his login to access VA computers/equipment/systems because Mr. Turner did so for other employees, I and others saw him do that on several occasions already.

In sum, Mr. Turner has and continues to violate privacy and information systems rules that violates(ed) privacy rights for myself and other veterans - yet, I'm being investigated for an alleged incident on November 16, 2016 - upon my exercise of my EEO rights; and, Mr. Turner gets a "pass".

5.5.2 - On, November 21, 2016, Tresha Miller, the subject of my November 16, 2016, EEO informal complaint to the IRS, also has been given a "pass" when it comes to violating VA policies. Chantal Wynter, upon giving Mrs. Miller the earphones, saw that Mrs. Miller had an electronic device plugged into the VA computer she was sitting at. To the date of this document, while I'm being investigated for an alleged "incident" involving Mrs. Miller - no investigation, disciplinary action, and/or termination has been taken against Mrs. Miller.

Please note that upon discovery of Mrs. Miller's violation, Mrs. Wynter clearly asked Mrs. Miller if she was aware of the VA's policy on connecting electronic devices into VA computers/equipment/systems and Mrs. Miller said "Yes". Mrs. Wynter also asked Mrs. Miller if she signed the ISO paperwork involving the VA's policy on connecting electronic devices into VA computers/equipment/systems and again, Mrs. Miller said "Yes". Lastly, Mrs. Wynter told Mrs. Miller that Mrs. Wynter issued a letter of reprimand to a new hire for the same violation. However, to the date of this document, no action has been taken against Mrs. Miller for a violation that Mrs. Miller clearly acknowledged doing with knowledge that she was committing a violation; and, despite the fact that Mrs. Miller's violation can result in disciplinary action and/or termination - I'm the person being investigated her while Mrs. Miller gets a "pass".

5.5.3 - Derek Colbert, Elena De La Cruz, and Dwyane L. Turner also get a "pass" when it comes to timesheet violations/fraud. Although we were told that the before/after our tour of duty, there's a fifteen ("15") minute window if we come early or late, every day Mr. Turner leaves before 3:15PM and so do others. Recently, on November 22, 2016, Mr. Colbert and Ms. De La Cruz left the training room before 3:15PM - yet, I'm under investigation while these people get a "pass".

5.5.4 - I, and the other new hires are left in the training room(s) and unchecked - to the extent that the conduct is offensive. Worst, because of actions by many that include Derek Colbert, Tresha Miller, Dwyane Turner, John Clayton, Alena De La Cruz, Glenada Dixon, and Denise Williams - it is a hostile environment.

They engage in discussions about sex, politics, and/or religion without respect and consideration for others. Worst, they are loud and out of control. And, that also includes a focus on me. Sometimes I'm literally scared of them. Again, because I'm on probation, I just am/ have been trying my best to stay out of their way until Challenge training can take place and I can be assigned to a team.

5.5.4.1 - Although John Clayton has been assigned to a team, he keeps on coming to the training room and hovers around me. It has gotten so bad that I just get up and excuse myself in hopes he'll leave soon. Despite him being a married man, he has asked to take my picture and I said "no". He keeps on telling me how nice I look despite me ignoring him. He asked me for my telephone number and I said "no". Yet, I have been tolerating and suffering this harassment because I fear retaliation if I report it.

5.5.4.2 - I have serious concerns about Denise Williams, who sits behind me and whom Mr. Clayton usually comes to speak with. She also took my picture on October 31, 2016, despite me declining several times. On November 22, 2016, at approximately 9:46AM, she started yelling that she's *'Tired of all these women with bad attitudes, nobody ain't scared of you. People got guns. You a grown forty ("40") old woman with a bad attitude and you can't control yourself'*. Later on November 22, 2016, at approximately 2:51PM, she was talking about a blues song and stated that she *'couldn't sing the lyrics of that song, because then all of coworkers would then file a complaint against her too'*.

In sum, the harassment and offensive/hostile environment - especially against me - is so pervasive that Ms. Williams has no fear in threatening violence against me through the use of "guns"; and, thinks that all of them ganging up against me to file fabricated allegations resulting in the ongoing investigation against me is just hilarious.

5.5.4.3 - Tresha Miller also has opted to threaten me with physical violence. On November 17, 2016, at approximately 7:51AM, I was returning to Training Room D. I saw Tresha Miller coming my way and left the door open for her. She blew past me and slammed the door - which almost hit me. Please note that this took place the day after I filed the informal EEO complaint with the IRS against her.

In this country, we are at a time where there is great divide between people who don't care for Muslims and are trying to commit/committing acts of violence against Muslims and people who do not share their political and/or religious beliefs, affiliations, etc. Anyone can see this on the news and recently the FBI appears to have intercepted an attempt

to burn down a Muslim mosque/place of worship. Therefore, me being in a workplace environment where people demand to take my picture and show me on video chats to others; badger me as to why I don't want to eat pork that THEY ordered for me; why I opt not to participate in certain celebrations/events is scrutinized; coupled with offensive and unchecked conduct from coworkers that leads into threats involving "guns" and physical violence has me with serious concerns about the safety of myself and my family, friends, and loved ones because of our real and/or perceived political, religious, cultural, beliefs/affiliations/practices. No employee should be subjected to such a fear and hostile/offensive working environment - regardless if he/she is on probation.

5.6 - I didn't report the above mentioned incident(s) because I came here to the VA to work to pay my bills and take care of my family. I don't/didn't want to be "that" person who starts waves while on probation; and, believed that the VA would prefer to retaliate against me instead of address the violations. But I'm not going to stand back and be "investigated" for allegations made as a result of me exercising my EEO rights for a fight that the IRS brought to the VA - while other employees have been given a "pass"; and/or stand for being placed in working conditions that any reasonable person would consider an offensive and hostile environment to the point where he/she would fear for his/her safety.

5.7 - Also, please note the following:

5.7.1 - I am not CIA, FBI, Edward Snowden, Bradley Manning and/or some terrorist or spy. I am a woman who honorably served in the military, and chose to pursue a career in the civil service. Unfortunately, when I worked at the U.S. Department of Labor/USDOL (which the VA has knowledge of upon being served a third party discovery request from me during my litigation with USDOL), I was put into a situation where my rights were violated, and, to this date, I'm still being punished for exercising my rights to be protected from those violations - as if I need to be snuffed out of working for the federal government; am an enemy of the state; and/or, need to be placed under illegal surveillance.

5.7.2 - The EEO laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Asserting these EEO rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- Filing or being a witness in an EEO charge, complaint, investigation, or lawsuit communicating with a supervisor or manager about employment discrimination, including harassment;

- Asking managers or co-workers about salary information to uncover potentially discriminatory wages; and,

- Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it.

In sum, while I am being investigated by the VA for allegations that were made in retaliation of my November 16, 2018 informal EEO complaint/inquiry involving Tresha Miller, I am and was engaged in a "protected activity" - which includes reasonable inquiry

regarding/related to Mrs. Miller and my reasonable belief of the IRS harassing me and/or retaliating against me for my ongoing EEO complaint(s) against the IRS, especially when the information regarding/related to my inquiry(ies) is/was KNOWINGLY available/made available TO THE PUBLIC by the individual himself/herself (regardless if it is oral, written, and/or online format); and, even though at this time the IRS is the subject of my EEO complaint(s), that does not provide/allow the VA and/or another agency immunity from retaliating against me for my engagement in protected activity.

5.8 - Accordingly, I am requesting that any/all illegal surveillance, retaliation, harassment, hostile and offensive work environment, and/or disparate treatment towards regarding/related to me cease and desist immediately; and, that I be allowed to do the job I was hired for here at the VA.

Declaration

I, Thasha Antoinette Boyd, do hereby declare:
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on:

November 28, 2012
Date

See A 81
Signature

Sincerely,

Thasha A. Boyd
Thasha A. Boyd
1655 Carrie Farm Ln NW
Kennesaw, GA 30144
678-520-8465
laanataasha@aol.com